

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FREDRICK CHARLES
EMERSON,

Petitioner,

vs.

STEVE SINCLAIRE,

Respondent.

NO. CV-10-5065-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING HABEAS ACTION
WITHOUT PREJUDICE

Magistrate Judge Imbrogno filed a Report and Recommendation (Ct. Rec. 13) on October 5, 2010, recommending Mr. Emerson's habeas action be dismissed without prejudice for failure to exhaust state court remedies. On October 13, 2010, the court received Mr. Emerson's letter referencing "document number: 13." Petitioner makes no specific objections, but appears to repeat, "(1) I'm showing all the facts here on all the paper work I sent with the habeas corpus, (2) one is over the standard sentence range; and (3) the Walla Walla Superior Court admitted in the paper work that they "overlooked" my pleadings I filed over a year ago" Mr. Emerson indicates he wishes a court hearing.

After review of Petitioner's submissions and for the reasons set forth by the Magistrate Judge, **IT IS ORDERED** the Report and Recommendation is **ADOPTED in its entirety** and this habeas action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED. The District Court Executive is **DIRECTED** to enter this
ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING HABEAS ACTION WITHOUT PREJUDICE-- 1

1 Order, enter judgment, forward a copy to Petitioner at his last known address and close
2 the file. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal
3 from this decision could not be taken in good faith, and there is no basis upon which to
4 issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

5 **DATED** this 19th day of November, 2010.

6
7 s/ Rosanna Malouf Peterson

8 ROSANNA MALOUF PETERSON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28